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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi the 8th December, 1971

THE DADRA AND NAGAR HAVELI LAND REFORMS REGULATION, 1971

No. 3 OF 1971

Promulgated by the President in the Twenty-second Year of the Republic of India.

A Regulation to abolish Alwara and Terem tenures, to confer occupancy rights on Alwara and Terem holders and their tenants, to impose a ceiling on possession of agricultural lands, to provide for acquisition and distribution of land held in excess of such ceiling and to regulate the relation of landlords and tenants, in the Union territory of Dadra and Nagar Haveli and for matters connected therewith.

In exercise of the powers conferred by article 240 of the Constitution, the President is pleased to promulgate the following Regulation made by him:—

CHAPTER I

PRELIMINARY

1. (1) This Regulation may be called the Dadra and Nagar Haveli Land Reforms Regulation, 1971.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of the Union territory of Dadra and Nagar Haveli.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint:

Provided that different dates may be appointed for different provisions of this Regulation and any reference in any such provision to the commencement of this Regulation shall be construed as a reference to the coming into force of that provision.

Definitions.

2. In this Regulation, unless the context otherwise requires,—

(1) "Administrator" means the administrator of the Union territory of Dadra and Nagar Haveli, appointed under article 239 of the Constitution;

(2) "agricultural labourer" means a person whose principal means of livelihood is the income he gets as wages in cash or in kind, or partly in cash and partly in kind, in connection with manual labour on agricultural land, but does not include a tenant;

(3) "agricultural land" means land which is used or capable of being used for the purpose of agriculture and includes,—

(a) the sites of farm-buildings on or appurtenant to such land;

(b) grass land capable of being used for the purpose of agriculture,

but does not include forest land.

Explanation.—If any question arises as to whether any grass land is capable of being used for the purpose of agriculture, such question shall be decided by the prescribed authority;

(4) "agricultural season" means the period commencing from 1st June and ending with 30th November of any year, or such other period as the Administrator may, by notification in the Official Gazette, appoint;

(5) "agriculture" includes—

(i) horticulture;

(ii) the raising of crops or garden produce;

(iii) the use by an agriculturist, or a dairy farmer, of land held by him, or part thereof, for grazing his cattle;

(iv) the use of any land, whether or not an appendage to paddy land, for the purpose of rab-manure;

(v) dairy farming;

(vi) poultry farming; and

(vii) stock breeding.

Explanation.—If any question arises as to whether any land or part thereof is used for any of the pursuits specified in sub-clause (iii) or sub-clause (iv), such question shall be decided by the prescribed authority;

(6) "agriculturist" means a person who cultivates land personally;

(7) "Alwara" means a document evidencing the grant of concession to enjoy land given under article 50 of the Organizacao Agraria;

(8) "Alwara-holder", in relation to any land, means a person in whose favour an Alwara has been granted in respect of that land and includes the successor-in-interest of such person and where such land has been mortgaged with possession to any other person, such other person;

(9) "appointed day" means the 20th day of August, 1964, being the date on which the Land Reforms Commission for the Union territory of Dadra and Nagar Haveli was appointed;

(10) "ceiling area" means the ceiling area within the meaning of section 8;

(11) "Collector" means the Collector of Dadra and Nagar Haveli and includes any officer, not below the rank of a Sub-Divisional Officer, specially empowered by the Administrator, by notification in the Official Gazette, to exercise and perform all or any of the powers and functions of the Collector under this Regulation;

(12) "farming society" means a society registered or deemed to be registered as a farming society under any law, for the time being in force, relating to the registration of co-operative societies;

(13) "forest land" means any land in the Union territory of Dadra and Nagar Haveli which the Administrator may, having regard to the tree-growth therein, the object for which such trees or their produce are or is put to use or can be used, and the virginity of the soil of such land, by notification in the Official Gazette, declare to be a forest land;

(14) "Government" means the Central Government;

(15) "grass land" means land in which naturally growing grass is the main produce, irrespective of the purpose for which such grass may be used;

(16) "joint family" means,—

(a) in relation to persons governed by the Hindu law, a Hindu undivided family;

(b) in relation to others, a group or unit the members of which are, by custom or usage, joint in estate or possession or residence;

(17) "landless person" means an agricultural labourer who does not possess any land for purposes of agriculture and who intends to take to the profession of agriculture;

(18) "landlord" means a person under whom a tenant holds land and to whom he is liable to pay rent;

(19) "Land Revenue Regulation" means the Dadra and Nagar Haveli Land Revenue Administration Regulation, 1971;

(20) "Organizacao Agraria" means the Organizacao Agraria for Nagar Haveli published as Portaria Provincial No. 985, dated the 22nd day of September, 1919, as amended from time to time;

(21) "person" includes a company, family, joint family, association or other body of individuals, whether incorporated or not, and any institution capable of holding property;

(22) "personal cultivation", with its grammatical variations and cognate expressions, means cultivation by a person on his own account—

(i) by his own labour, or

(ii) by the labour of any member of his family, or

(iii) by servants or by hired labour on wages, payable in cash or in kind (but not as a share of the produce), under the personal supervision of himself or of any member of his family.

Explanation 1.—Land shall not be deemed to be cultivated under the personal supervision of a person or a member of his family unless such person or member resides, during the major part of the agricultural season, in the village in which the land or the major part thereof is situated or in a place situated within a distance of not more than eight kilometers from such village.

Explanation 2.—In the case of a person under disability, supervision by a paid employee on behalf of such person shall be deemed to be personal supervision.

Explanation 3.—For the purpose of this clause "member of a family" means father, mother, spouse, brother, son, grandson or dependent sister or daughter and in the case of a Hindu undivided family, a member thereof and also a divorced and dependent daughter;

(23) "person under disability" means—

(i) a widow; or

(ii) a minor; or

(iii) a woman, who is unmarried, or who, if married, is divorced or judicially separated from her husband, or whose husband is a person falling under sub-clause (iv) or sub-clause (v); or

(iv) a member of the Armed Forces of the Union; or

(v) a person who by reason of some mental or physical disability is incapable of cultivating land by personal labour or personal supervision;

(24) "prescribed" means prescribed by rules made under this Regulation;

(25) "prescribed authority", in relation to any provision of this Regulation, means such officer or authority as the Administrator may, by notification in the Official Gazette, specify in this behalf for the purpose of that provision;

(26) "rent" means whatever is lawfully payable periodically as rent, in cash or in kind, or partly in cash and partly in kind, whether as a fixed quantity of the produce or as a share of the produce on account of the use or occupation of land or on account of any right in land but does not include land revenue;

(27) "Scheduled Castes" and "Scheduled Tribes" shall have the same meanings as are respectively assigned to them in clauses (24) and (25) of article 366 of the Constitution;

(28) "small holder" means a person who possesses or cultivates land the extent of which is less than one-fifths of the ceiling area, and who earns his livelihood principally by agriculture or by agricultural labour;

(29) "tenant" means a person who possesses land on lease, under an agreement, whether oral or written, and includes—

(i) a person who is deemed to be a tenant under section 41;

(ii) a person who is a tenant within the meaning of sub-clause (9) of clause 2 of the Free Dadra and Nagar Haveli Tenancy and Agricultural Lands Ordinance, 1961;

(iii) a Wavaledar; and

(iv) a sub-lessee,

but does not include an Alwara-holder, a Terem-holder and a temporary lessee under the Government referred to in section 5.

Explanation.—For the purpose of this clause "Wavaledar", in relation to any land, means a person who has been given such land by the owner thereof in consideration of rendering service to such owner and the land so given is under the personal cultivation of such person;

(30) "Terem" means a lease of land granted under article 84 of the Organizacao Agraria;

(31) "Terem-holder", in relation to any land, means a person in whose favour a Terem has been granted in respect of that land and includes the successor-in-interest of such person and where such land has been mortgaged with possession to any other person, such other person;

(32) "to cultivate", with its grammatical variations and cognate expressions, means to till or husband the land for the purpose of raising or improving agricultural produce, whether by manual labour or by means of cattle or machinery, or to carry on any agricultural operation thereon; and the expressions "cultivated" and "uncultivated" shall be construed accordingly;

(33) "to possess land" means to be in lawful and actual possession of land;

(34) "village site" means any area recognised according to any survey, custom or usage as village site on the date appointed under section 3;

(35) all other words and expressions used but not defined in this Regulation, but defined in the Land Revenue Regulation, shall have the same meanings as are respectively assigned to them in that Regulation.

CHAPTER II

ABOLITION OF ALWARA AND TEREM TENURES AND GRANT OF OCCUPANCY RIGHTS

Extinguish-
ment of
concessions
under
Alwara,
Terem, etc.

3. Notwithstanding anything contained in any law for the time being in force or in any custom or usage or in any agreement settlement, grant, Alwara, Terem or other instrument or in any decree or order of any Court or other authority, with effect on and from such date as the Administrator may, by notification in the Official Gazette, appoint (hereinafter referred to as the "vesting date") all concessions granted in respect of any land held under an Alwara or Terem shall stand extinguished and such land shall vest in the Government, free from all encumbrances, and be subject to the rights, if any, granted in respect thereof under this Chapter.

Grant of
occupancy
rights in
respect of
lands vest-
ing in Gov-
ernment
under
section 3.

4. (1) On and from the vesting date, occupancy rights in respect of—

(a) any land (including grass land not capable of being used for the purpose of agriculture) which has not been put to agricultural use by an Alwara-holder or a Terem-holder and which vests in Government under section 3 shall be deemed to have been granted to the Alwara-holder or the Terem-holder, as the case may be, and nothing in this Regulation, except the provisions contained in sections 21, 22, 44, 45, 46, 47 and 48, shall be applicable to such land or to any matter connected with such land;

(b) any grass land capable of being used for the purpose of agriculture (including the sites of farm-buildings, if any, on such land) which vests in Government under section 3 and which, on the vesting date, is in the possession of an Alwara-holder or a Terem-holder or a tenant shall be deemed to have been granted to the Alwara-holder or the Terem-holder or the tenant, as the case may be, subject to the conditions specified in sub-section (2);

(c) any other land which vests in Government under section 3 and which, on the vesting date, is under the personal cultivation of an Alwara-holder or a Terem-holder or a tenant (including the sites of farm-buildings, if any, appertaining to such land which on the said date is in his possession) shall, subject to the provisions of this Regulation, be deemed to have been granted to the Alwara-holder or the Terem-holder or the tenant, as the case may be:

Provided that nothing in this sub-section shall apply to—

- (i) any forest land; or
- (ii) any agricultural land which falls within the limits of a village site; or
- (iii) any agricultural land possessed by an Alwara-holder or a Terem-holder or a tenant in excess of the ceiling area; or
- (iv) any land in relation to which an application has been made under section 7 of the Free Dadra and Nagar Haveli Tenancy and Agricultural Lands Ordinance, 1961, for so long as such application has not been finally disposed of.

(2) The conditions referred to in clause (b) of sub-section (1) shall be the following, namely:—

- (a) that at the end of two years from the vesting date, the Alwara-holder or the Terem-holder or the tenant, as the case may be, shall not possess grass land the extent of which is in excess of

one-fourth of the extent of agricultural land possessed by him on the vesting date;

(b) that the grass land, the extent of which is in excess of one-fourth of the extent of agricultural land possessed by the Alwara-holder or the Terem-holder or the tenant, as the case may be, on the vesting date, shall be brought by him under cultivation within a period of two years from the vesting date subject to the further condition that at least one-half of such excess grass land shall be brought under cultivation within a period of one year from the vesting date:

Provided that if (for reasons beyond the control of the Alwara-holder or the Terem-holder or the tenant, as the case may be, proved to the satisfaction of the Collector on an application made by him in this behalf) one-half of the excess grass land could not be brought under cultivation in the first year, the Collector may grant permission to bring under cultivation in the second year such area of the excess grass land as has not been brought under cultivation in the first year:

Provided further that no such permission shall be granted after the expiry of a period of two years from the vesting date;

(c) that on failure to comply with the provisions of clause (b), the occupancy rights in respect of the grass land which remains uncultivated and which is in excess of the extent of grass land which can be possessed as such under clause (a), shall, on the expiry of a period of two years from the vesting date, stand forfeited to the Government free from all encumbrances and the provisions of sections 5, 21 and 22 shall apply to such land.

(3) Notwithstanding anything contained in sub-section (2), if the Administrator is satisfied that, having regard to the nature of any grass land, it is not practicable to bring such land or any part thereof under cultivation in accordance with the provisions of sub-section (2) he may, by order, for reasons to be recorded in writing, exempt such land or part thereof from the operation of that sub-section and thereupon occupancy rights in such land shall be deemed to have been granted to the Alwara-holder or the Terem-holder or the tenant, as the case may be, as if he has fulfilled the conditions specified in sub-section (2).

(4) For the purpose of clause (c) of sub-section (1), where an Alwara-holder or a Terem-holder, being a person under disability, has leased out any land possessed by him as such or any part thereof to a tenant, such Alwara-holder or Terem-holder, as the case may be, and not the tenant, shall be deemed to have personally cultivated such land or part thereof if,—

(i) immediately before the time of granting the lease, such land or part thereof was under his personal cultivation;

(ii) at the time of granting the lease, there was no male member in his family who could undertake the personal cultivation of such land or part thereof; and

(iii) at the time of granting the lease, he was a person under disability and continues to be so up to and inclusive of the vesting date.

(5) Notwithstanding anything contained in sub-section (1),—

(i) where at the commencement of this Regulation there is a dwelling house on any land referred to in clause (b) or clause (c) of sub-section (1), but not being land covered by the proviso to that sub-section, and such dwelling house together with the land appurtenant thereto is in the occupation of a cultivator or an agricultural labourer or a village artisan, then, the occupancy rights in respect of such dwelling house and the land appurtenant thereto shall be deemed to have been granted to the person in such occupation;

(ii) where a tenant possessed any land under his personal cultivation and the site of any farm-building on such land on the appointed day but not so on the vesting date and such tenant has been restored to possession of such land or part thereof or such farm-building under section 43, then, the occupancy rights in respect of such land or part thereof or such farm-building shall be deemed to have been granted to such tenant with effect from the date of restoration and the occupancy right, if any, granted to any person in respect of such land or part thereof or such farm-building shall cease to be effective from that date.

(6) No person shall transfer by way of sale, lease, mortgage, exchange or otherwise, any agricultural land, including any part thereof, in respect of which occupancy rights are deemed to have been granted to him under this section except in accordance with such rules as may be made in this behalf.

(7) Any transfer of land made in contravention of the provisions of sub-section (6) shall be void and the occupancy rights in respect of the land so transferred shall stand forfeited to the Government.

(8) Any reference in this section to a "tenant" shall be deemed to include a reference to a person in possession of the land under a mortgage from a tenant.

Grant of
land on
temporary
lease.

5. Notwithstanding anything contained in section 9, on and from the vesting date, all lands which have vested in the Government under section 3 and which are possessed by any person and in respect of which no occupancy rights are deemed to have been granted under section 4, shall be possessed by that person as a temporary lessee under the Government on such terms and conditions, including payment of rent, as may be prescribed, and any such land may be resumed by the prescribed authority in accordance with the provisions of this Regulation.

Re-attach-
ment of
encumbran-
ces.

6. (1) If any land which immediately before it vests in the Government under section 3 was subject to a mortgage, other than a mortgage with possession, or other encumbrance and the occupancy rights in respect of such land are deemed to have been granted under section 4 to the mortgagor or other encumbrancer, then, save as otherwise provided in sub-section (2), such mortgage or other encumbrance shall again attach itself on the land and the mortgagee or the holder of the other encumbrance, as the case may be, shall exercise his rights accordingly.

(2) Where in respect of any land, occupancy rights are deemed to have been granted under section 4 to a mortgagee in possession of such land, the liability of the mortgagor to repay the mortgage money advanced by the mortgagee in possession of such land shall stand extinguished.

CHAPTER III

CEILING ON POSSESSION OF LAND

7. Nothing contained in this Chapter shall apply to the following **Exemption.** classes of land, namely:—

- (a) land which is not used or capable of being used for the purpose of agriculture;
- (b) land belonging to or held by the Central Government or any State Government;
- (c) land belonging to or held by a corporation, including a company, owned or controlled by the Central Government or any State Government;
- (d) land belonging to a local authority or held on lease by or from such authority;
- (e) land held or leased by a Land Mortgage Bank; and
- (f) land held by a farming society.

8. The ceiling area of land for the purposes of this Regulation shall be **Ceiling area** 10 hectares.

9. (1) Subject to the provisions of this section and section 10, no person shall possess land in excess of the ceiling area, whether as an occupant or a tenant or a mortgagee-with-possession or in any other capacity or capacities or partly in one capacity and partly in another, and the land so possessed in excess shall vest in the Government free from all encumbrances.

Prohibition on possession of land in excess of ceiling area and vesting of excess land in Government.

(2) For the purposes of this section, in the case of a person who is a member of a joint family or a farming society, the extent of land which such person would get as his share if the land possessed by such joint family or farming society is partitioned or divided, as the case may be, shall also be deemed to be land possessed by such person.

(3) Where a family or joint family consists of more than five members, such family shall be entitled to possess land in excess of the ceiling area to the extent of one-fifth of the ceiling area for each member in excess of five; so, however, as not to exceed twice the ceiling area in the aggregate.

Explanation.—For the purpose of this sub-section “family” means a person, his or her spouse, their minor sons and unmarried daughters.

(4) Where a person, his or her spouse, minor son or unmarried daughter possesses any land, the entire land so possessed by them shall be grouped together and the provisions of this Chapter shall apply to the total land so grouped together as if such land had been possessed by one person.

(5) Where an application has been made by any person under section 7 of the Free Dadra and Nagar Haveli Tenancy and Agricultural Lands Ordinance, 1961, and such application is pending disposal at the commencement of this Regulation, then, for so long as such application is not finally disposed of the extent of the land in relation to which such application has been made shall not be taken into account for the purpose of determining the ceiling area of land under this section in respect of that person.

Effect of transfers and partitions after the appointed day.

10. (1) Notwithstanding anything contained in any law for the time being in force, in determining the extent of land possessed by a person for the purpose of determining the ceiling area—

(a) all transfers whether by way of sale, gift, mortgage with possession, exchange, lease, surrender or otherwise, and

(b) all sub-divisions whether by partition or otherwise,

made by him on or after the appointed day, but before the commencement of this Regulation, shall be ignored:

Provided that any transfer of land made under article 27 of Organizacao Agraria shall not be ignored:

Provided further that where any such sub-division has been effected by metes and bounds, between the appointed day and the commencement of this Regulation, following the death of the person who held the land so sub-divided or as a consequence of any order of a Court where any suit for partition had been pending on the appointed day, any person interested may apply to the Collector within such period as may be prescribed for a declaration that such sub-division shall not be ignored under this sub-section.

(2) Where an application has been made to the Collector under the second proviso to sub-section (1), the Collector shall, after notice to the parties interested, inquire into the matter and if after such inquiry, and after hearing the parties concerned, he is satisfied that the sub-division was effected in the circumstances mentioned in that proviso, make a declaration to that effect and where he is not so satisfied, reject the application.

Future acquisition.

11. (1) The foregoing provisions of this Chapter shall *mutatis mutandis* apply in respect of lands acquired subsequent to the commencement of this Regulation by any person through inheritance, bequest, gift, family settlement, purchase, surrender, lease or otherwise.

(2) Where any person acquires land as aforesaid which together with the land, if any, held by him immediately before such acquisition exceeds the ceiling area, he shall within ninety days of such acquisition, file a statement before the prescribed authority giving the particulars of the land held by him including the land so acquired, in such manner as may be prescribed and the provisions of section 22 shall, so far as may be, apply in respect of such statement as if it had been filed under section 21.

(3) No document incorporating any transaction for the acquisition of any land in any of the modes specified in sub-section (1) shall be registered unless a declaration in writing, duly verified, is made and filed by the person who acquires such land before the authority registering the document under the Indian Registration Act, 1908, as to the total extent of the land possessed by him on the date of such registration. 16 of 1908.

(4) Every declaration under sub-section (3) shall be in duplicate and the registering authority shall, as soon as may be, forward a copy thereof to the prescribed authority within whose jurisdiction the land so acquired is situated.

12. (1) Every person who possesses land in excess of the ceiling area shall, within such period and in such manner as may be prescribed, intimate to the prescribed authority the particulars of the land possessed by him and specify the land which he wants to retain and the prescribed authority may, after such inquiry as it deems fit, by order, specify the land which such person is entitled to retain within the ceiling area:

Selection of land for retention within the ceiling area.

Provided that where the whole or part of the land possessed by such person is subject to an encumbrance, then, the land to be retained by such person shall include the land so encumbered up to the extent of the ceiling area.

(2) If any person fails to intimate the particulars specified in sub-section (1) within the prescribed period, the prescribed authority may, after making such inquiry as it deems fit and after hearing such person, by order, specify, subject to the proviso to sub-section (1), the land which such person is entitled to retain within the ceiling area.

CHAPTER IV

COMPENSATION AND OCCUPANCY RIGHTS

13. (1) There shall be paid compensation in respect of every land which vests in the Government under Chapter II:

Payment of compensation for lands vesting under Chapter II.

Provided that no such compensation shall be payable to an Alwara-holder or a Terem-holder for any land in respect of which occupancy rights are deemed to have been granted to the Alwara-holder or Terem-holder, as the case may be.

(2) In the case of any land in respect of which an Alwara has been granted, the compensation payable to the Alwara-holder shall be an amount equal to—

(i) fifty-five times the annual land revenue assessment payable in respect of that land, where occupancy rights are not deemed to have been granted to any person under Chapter II; and

(ii) thirty-six times the annual land revenue assessment payable in respect of that land, where occupancy rights are deemed to have been granted to any person under Chapter II.

(3) In the case of any land in respect of which a Terem has been granted, the compensation payable to the Terem-holder shall be an amount equal to—

(i) eighteen times the annual land revenue assessment payable in respect of that land, where occupancy rights are not deemed to have been granted to any person under Chapter II; and

(ii) twelve times the annual land revenue assessment payable in respect of that land, where occupancy rights are deemed to have been granted to any person under Chapter II.

(4) Where—

(i) occupancy rights in respect of any grass land are deemed to have been granted to any person under clause (b) of sub-section (1) of section 4 and such occupancy rights subsequently stand forfeited to the Government under clause (c) of sub-section (2) of that section: or

(ii) occupancy rights in respect of any land or part thereof or any farm-building on such land are deemed to have been granted to any person on the vesting date and such occupancy rights subsequently cease to be effective under clause (ii) of sub-section (5) of section 4,

then, there shall be paid compensation to the person who is divested of such occupancy rights, and the compensation so payable, in either case, shall be an amount equal to the compensation which would have been payable to such person had no such occupancy rights been deemed to have been granted to him on the vesting date.

(5) Where on the vesting date, there is any building or other structure on any land in respect of which an Alwara or a Terem has been granted and in respect of which compensation is payable under this section, the compensation so payable shall be increased by an amount equal to the value of such building or structure which may be determined by the prescribed authority in accordance with such rules as may be prescribed.

Compensation for lands in excess of the ceiling area.

14. There shall be paid compensation in respect of every land which vests in the Government under Chapter III and such compensation shall be an amount equal to fifty-five times the annual land revenue assessment payable in respect of the land and the provisions of sub-section (5) of section 13 and section 16 shall, so far as may be, apply in relation to such land as they apply in relation to any land in respect of which an Alwara or Terem has been granted.

Persons to whom compensation is payable.

15. Subject to the provisions of section 16, the compensation payable under section 14 shall be paid to the person or persons entitled thereto.

Apportionment of compensation and amount of encumbrances.

16. (1) In the case of any land held by a tenant in respect of which an Alwara or a Terem has been granted and in respect of which occupancy rights are not deemed to have been granted to the tenant under section 4, the compensation payable in respect of such land shall, subject to the provisions of sub-sections (2) and (3), be apportioned between the Alwara-holder or the Terem-holder, as the case may be, and the tenant in the ratio of 2 : 1.

(2) Where there is any building or other structure on any land in respect of which compensation is payable under sub-section (5) of section 13 the compensation payable in respect of such building or structure shall, subject to the provisions of sub-section (3), be paid to the Alwara-holder or the Terem-holder or the tenant or other person who has a proprietary or other interest in the building immediately before the vesting date, as the case may be.

(3) Where the land or building or other structure, in respect of which compensation is payable under this Chapter, is subject to any encumbrance, the value of the encumbrance shall be deducted from the amount of compensation payable to the person liable for the encumbrance and shall be paid to the holder of the encumbrance:

Provided that where the value of such encumbrance is more than the amount of compensation, the amount of compensation so payable shall be distributed among the holders of the encumbrance in their order of priority.

17. The compensation payable under the foregoing provisions of this Chapter shall be paid in cash either in one lump or in annual instalments, not exceeding five, together with interest, from the vesting date or, as the case may be, from the date on which the lands in respect of which such compensation is payable vested in the Government, on the unpaid balance at the rate of six per cent. per annum.

Manner of
payment of
compensa-
tion.

18. (1) Every person to whom occupancy rights are deemed to have been granted in respect of any land under section 4, shall be liable to pay to the Government occupancy price to the extent hereinafter provided, namely:—

Occupancy
price paya-
ble to Gov-
ernment.

(i) in respect of any land in which occupancy rights are deemed to have been granted to the Alwara-holder of that land, no occupancy price shall be payable;

(ii) in respect of any land in which occupancy rights are deemed to have been granted to the Terem-holder, the occupancy price payable shall be eighteen times the annual land revenue assessment payable in respect of that land; and

(iii) in respect of any land in which occupancy rights are deemed to have been granted to the tenant and in respect of any dwelling house and the land appurtenant thereto in which occupancy rights are deemed to have been granted to a cultivator or an agricultural labourer or a village artisan, the occupancy price payable shall be thirty-six times the annual land revenue assessment payable in respect thereof.

(2) Where the person to whom occupancy rights are deemed to have been granted under sub-section (1) of section 4 is a member of a Scheduled Caste or Scheduled Tribe, the occupancy price payable under sub-section (1) in respect of such land shall be reduced to one-half of the amount payable.

(3) Where on any land in which occupancy rights are deemed to have been granted under sub-section (1) of section 4 to a person there is any building or structure in respect of which compensation is payable under sub-section (5) of section 13 to any other person, the occupancy price payable under sub-section (1) shall be increased by an amount equal to the value of such building or structure determined under the said sub-section (5).

19. Where any person had paid any occupancy price under section 18 and the occupancy rights in respect of which such price had been paid cease to be effective—

Refund of
occupancy
price in
certain
cases.

(i) by reason of forfeiture of occupancy rights in respect of any grass land to the Government under clause (c) of sub-section (2) of section 4; or

(ii) under clause (ii) of sub-section (5) of section 4,

then, the occupancy price paid by such person shall be refunded to him after deducting the land revenue due if any, under the land Revenue Regulation (in respect of the land in which occupancy rights were granted) for the period for which such occupancy rights had been enjoyed by him.

Mode of
payment of
occupancy
price.

20. (1) The occupancy price payable under section 18 in respect of any land shall be paid in annual instalments not exceeding six in number, the amount of each such instalment being not less than—

(a) the annual land revenue assessment payable in respect of the land, where the same is payable by a member of a Scheduled Caste or Scheduled Tribe; or

(b) twice such assessment, in any other case.

(2) Where the occupancy price is paid in instalments as specified in sub-section (1), such instalments shall be paid along with the annual land revenue assessment, and the first instalment shall become due for payment before the expiration of the revenue year immediately following,—

(i) the date of the order made by the prescribed authority under section 25; or

(ii) where an appeal has been filed against such order, the date of decision in such appeal.

(3) Where a person liable to pay occupancy price is also entitled to receive any amount by way of compensation under the provisions of this Regulation, he may, subject to such conditions and in such manner as may be prescribed, adjust the occupancy price against the compensation.

CHAPTER V

PROCEDURAL MATTERS

Notice to
furnish par-
ticulars.

21. (1) As soon as may be after the commencement of this Regulation, the prescribed authority shall publish or cause to be published a public notice in the prescribed manner in each village calling upon every Alwara-holder, Terem-holder, tenant or other person interested in any land to file before him within the prescribed period a statement giving the details of such land, his rights therein and such other particulars, in such form as may be prescribed, so as to enable such authority to determine any matter which has to be determined under this Regulation.

(2) Upon the publication of the notice under sub-section (1), every Alwara-holder, Terem-holder, tenant or other person interested in any land shall be deemed to have received notice as specified in that sub-section.

(3) Without prejudice to the provisions contained in sub-section (2), the prescribed authority may issue individual notices to any Alwara-holder, Terem-holder, tenant or other person referred to in sub-section (1) calling upon him to file a statement as required under that sub-section within such period as may be specified in the notice.

(4) Any person who was interested in any land immediately before the appointed day as an Alwara-holder, Terem-holder, tenant or in any other capacity has transferred any such land after the said date shall also be deemed to be a person interested in the land for the purpose of sub-sections (1), (2) and (3).

(5) Where any person fails to file a statement as required under the foregoing provisions of this section, within the period prescribed therefor

or furnishes inadequate particulars, the prescribed authority may obtain, in such manner as may be prescribed, the necessary information directly or through any agency.

22. (1) The prescribed authority shall, as soon as may be after the filing of the statement or obtaining the information under section 21, give to the person interested in the land a reasonable opportunity of making representation and adducing evidence, if any, in support of such statement or information and after considering such representation and evidence and making such further enquiry as it may consider necessary, pass such order as it may deem fit, determining the following matters, namely:—

Enquiry by
prescribed
authority.

(a) the land in respect of which an Alwara or Terem, has been granted (hereafter in this sub-section referred to as "the said land");

(b) the forest or grass land comprised in the said land;

(c) the agricultural land included within the limits of a village site and comprised in the said land;

(d) whether there is any dwelling house in the said land and, if so, the land appurtenant thereto and the person entitled to occupancy rights in respect thereof;

(e) the land selected by such person for retention under section 12;

(f) the land in which the Alwara-holder or the Terem-holder or the tenant, as the case may be, is entitled to occupancy rights under sub-section (1) of section 4;

(g) the land in excess of the ceiling area possessed by such person;

(h) the land which an Alwara-holder or a Terem-holder or a tenant or a mortgagee in possession is entitled to possess as a temporary lessee under section 5;

(i) the land which is encumbered, the amount involved and the names and other particulars of persons in whose favour the land stands encumbered;

(j) the land in respect of which a tenant is entitled to restoration under section 43; and

(k) any other matter which is necessary or relevant for carrying out the purposes of this Regulation.

(2) The order of the prescribed authority under sub-section (1) shall be communicated to the person or persons concerned in such manner as may be prescribed.

23. (1) The prescribed authority may, at any time, after the vesting date and after notice to the person possessing any land as a temporary lessee under section 5, make an order directing resumption of such land.

Resumption
of land held
under tem-
porary lease.

(2) On the making of an order in respect of any land under sub-section (1), such land may be taken possession of by the prescribed authority:

Provided that if there is any standing crop on such land, the prescribed authority shall take possession of such land only after a reasonable

opportunity has been given to the person in possession of such land to harvest the same.

(3) No order under sub-section (1) shall be made in respect of a temporary lessee of any agricultural land situated within the limits of a village site unless it is declared by the Administrator, by notification in the Official Gazette, that the resumption of such land is necessary in the public interest.

Claims for compensation.

24. (1) Any person who is entitled to claim any compensation or any part thereof under section 13 or section 14 or section 16 may make an application to the prescribed authority in such form and within such period as may be prescribed.

(2) On receipt of an application under sub-section (1), the prescribed authority shall, after giving notice to all persons who may be interested in the compensation amount and after making such enquiry as it may deem fit and giving a reasonable opportunity to the persons interested to make a representation in regard thereto, decide the amount of compensation, payable in accordance with Chapter IV, to each of the persons entitled thereto.

Payment of occupancy price.

25. (1) As soon as may be after the vesting date, the prescribed authority shall issue notice to every person who is liable to pay occupancy price under section 18, in such form and in such manner as may be prescribed indicating the amount of occupancy price and the land in respect of which it is payable.

(2) Any person who has received notice under sub-section (1) may file an objection before the prescribed authority within such period as may be specified in the notice and where any such objection is filed, the prescribed authority shall, after making such inquiry as it may deem fit and after giving a reasonable opportunity for making representation to the person who has objected, and after considering such representation, if any, by order, determine the occupancy price payable and the land to which it relates.

CHAPTER VI

DISTRIBUTION OF SURPLUS LAND VESTED IN THE GOVERNMENT

Surplus land.

26. (1) For the purpose of this Chapter "surplus land" means—

(i) land which has vested in the Government under section 3 but in respect of which no occupancy rights have been or are deemed to have been granted under any provision of this Regulation;

(ii) agricultural land possessed by a person in excess of the ceiling area and vested in the Government under Chapter III; and

(iii) land relinquished by the occupant thereof under section 53 of the Land Revenue Regulation.

(2) From out of the surplus lands, the Government may retain—

(i) all lands which fall within the limits of a village site;

(ii) forest lands; and

(iii) any other land which, in the opinion of the prescribed authority, is necessary to be retained for expansion of a village site or for any other public purpose.

27. (1) The prescribed authority may, subject to such rules as may be made in this behalf, allot surplus lands as are fit for agriculture and are not retained under sub-section (2) of section 26, in the following order of priority, namely:—

(i) any person who is a member of the Scheduled Tribes and is a landless person;

(ii) any person who is a member of the Scheduled Castes and is a landless person;

(iii) any dependent of a member of the Armed Forces of the Union who was killed in action provided that such dependent is a landless person or a small holder and is capable of carrying on personal cultivation;

(iv) any serving member of the Armed Forces of the Union or any ex-Serviceman who, in either case, is a landless person and is capable of carrying on personal cultivation.

Explanation.—For the purpose of this clause “ex-Serviceman” means a person who has been a member of the Armed Forces of the Union but does not include a person who has ceased to be a member of the Armed Forces as a result of his being duly dismissed or discharged after court-martial or on account of bad character or as a result of desertion;

(v) any person who has been rendered landless as a result of grant of occupancy rights to his tenants under section 4;

(vi) any person who has been rendered landless as a result of acquisition of his land for a public purpose;

(vii) any other landless person;

(viii) any person who is a member of the Scheduled Tribes and is a small holder;

(ix) any person who is a member of the Scheduled Castes and is a small holder; and

(x) any other small holder.

(2) Notwithstanding anything contained in sub-section (1), where there is a farming society comprising persons belonging to any category as aforesaid, such society shall be given preference in the matter of allotting land to that category of persons.

(3) The prescribed authority shall not allot to any person land in excess of one-fifths of the ceiling area including any other land possessed by that person:

Provided that where the allottee is a farming society, only so much land shall be allotted, which together with the extent of other lands held by its members, shall not exceed in area one-fifths of the ceiling area multiplied by the total number of members of the society.

(4) Subject to the provisions of sub-section (3), the prescribed authority shall allot land in accordance with such rules as may be prescribed.

28. (1) Every person to whom any land has been allotted under section 27 shall have occupancy rights over such land from the date of such allotment: Allottees to have rights of occupants.

Provided that no such person shall transfer by way of sale, mortgage, exchange, gift, lease or otherwise, the land so allotted to him except in accordance with such rules as may be prescribed.

(2) Any transfer of land in contravention of the proviso to sub-section (1) shall be void.

Occupancy
price payable
by allottees.

29. (1) Every person to whom any land has been allotted under section 27, shall be liable to pay to the Government occupancy price to the extent and in the manner hereinafter provided.

(2) The occupancy price payable shall be equal to—

(a) eighteen times the annual land revenue assessment payable in respect of the land allotted, where the allottee is a member of a Scheduled Caste or Scheduled Tribe, and

(b) thirty-six times such assessment, in any other case.

(3) The occupancy price payable under sub-section (2) shall be paid by the allottee in equal annual instalments not exceeding twelve in number, along with the land revenue payable in respect of such land, and the first instalment shall be payable before the first day of the revenue year immediately following the expiration of a period of five years from the date of allotment.

Management
of surplus
land not
distributed.

30. In respect of surplus lands which are not allotted under section 27, the Administrator may, having regard to public interest, frame such rules as he may deem fit for the management or disposal of such lands.

CHAPTER VII

TENANCIES

Provisions
of Chapter
not to apply
to lands used
for non-
agricultural
purposes

31. Nothing contained in this Chapter shall apply to any land or part thereof used, or capable of being used, for any purpose other than for the purposes of agriculture.

Lease of

32. (1) As from the commencement of this Regulation, no person shall lease out any land unless at the time of granting the lease he is a person under disability and there is no male member in the family who could undertake the personal cultivation of such land.

(2) Where a lease of land has been granted by a person under disability in whose family there was no male member who could undertake the personal cultivation of such land at the time of granting the lease and such lease is subsisting at the commencement of this Regulation, then, such lease shall be deemed to be a lease granted under sub-section (1) as from such commencement.

(3) Every lease of land granted or deemed to be granted under this section shall be for a period of three years and at the end of the said period and thereafter at the end of every period of three years, the tenancy shall be deemed to have been renewed for a further period of three years on the same terms and conditions unless the person who granted the lease has, in the opinion of the prescribed authority, ceased to be a person under disability before the date from which the lease is deemed to have been renewed as aforesaid and notice in writing has been given by the prescribed authority to the tenant before the said date intimating him that such person has ceased to be a person under disability.

(4) Notwithstanding anything contained in the foregoing sub-sections, a member of the Armed Forces of the Union may, on his discharge from service or posting to the reserve, resume any land held under him on lease within one year of such discharge or posting by giving not less than three months notice in writing thereof to the tenant of such land:

Provided that any land having standing crops thereon shall be resumed under this sub-section only after a reasonable opportunity has been given to the person in possession of such land to harvest the same.

33. No surrender of land made by a tenant shall be valid unless it is made in writing and no such surrender shall take effect unless the same is admitted by the tenant before the prescribed authority. Surrender.

34. (1) No landlord shall dispossess this tenant except by way of resumption or eviction in accordance with the provisions of this Regulation. Tenants not to be dispossessed.

(2) Any landlord who contravenes the provision of sub-section (1) shall, on conviction, be punishable with fine which may extend to two hundred and fifty rupees and the possession of the land shall be restored to the tenant or where the tenant is not willing to take possession of the land, such land may be leased out by the prescribed authority on behalf of the landlord in such manner and subject to such conditions (including a condition as to the payment of rent to the landlord) as may be prescribed, and every such lease shall be deemed to be a lease granted under section 32.

35. Notwithstanding anything contained in any law for the time being in force or in any contract or custom or usage or in any decree or order of a Court, the rent payable annually by a tenant in respect of any land held by him shall not exceed an amount equal to four times the annual land revenue assessment payable in respect of that land and the tenant shall not be liable to pay rent in kind or to any customary dues or to render any service. Rent payable by the tenant.

36. (1) Every landlord shall give or cause to be given a receipt for the rent received by him or on his behalf in such form as may be prescribed, duly signed by him or his authorised agent. Receipt for payment of rent.

(2) Every payment made by a tenant to the landlord shall be presumed to be payment on account of the rent due from such tenant for the year in which the payment is made unless the tenant has given an express intimation in writing to the contrary to the landlord.

37. (1) Where any landlord recovers from a tenant rent in excess of the amount due in accordance with the provisions of this Regulation, the tenant may, within such period as may be prescribed, make an application to the prescribed authority for the refund of the excess amount so recovered. Refund of excess rent and penalty for recovery of excess rent.

(2) On receipt of an application under sub-section (1), the prescribed authority may, after giving the landlord and the tenant an opportunity of being heard, pass such order as it deems fit for the refund of the amount, if any, recovered in excess and thereupon the landlord shall be liable to make such refund to the tenant.

(3) If any landlord recovers from a tenant rent in excess of the amount due in accordance with the provisions of this Regulation, he shall also be liable to the penalty as provided in this Regulation.

Eviction of
tenant.

38. (1) During the period of operation of any lease granted or deemed to have been granted under this Chapter, no tenant of a land shall be liable to be evicted therefrom or any part thereof by his landlord or by any person claiming through or under him, except on application made by the landlord to the prescribed authority and under the orders of the prescribed authority on any one or more of the following grounds, namely:—

(a) that the tenant uses or attempts to use land or part thereof for a purpose other than agricultural purpose; or

(b) that the tenant intentionally neglects to take steps within reasonable time to cultivate the land for two consecutive agricultural seasons; or

(c) that the tenant has intentionally committed acts of waste injurious to the land; or

(d) that the tenant defaults in making payments of the rent which has accrued due within twelve months of the date on which it fell due.

(2) On receipt of an application under sub-section (1), the prescribed authority may, after giving the parties an opportunity of being heard in the matter, make such order as it deems fit in the circumstances of the case.

(3) Every order made by the prescribed authority under sub-section (2) for the eviction of a tenant shall be deemed to be a decree of a civil court and shall be executable as such.

(4) No order for the eviction of a tenant from any land having standing crops thereon shall be executed unless a reasonable opportunity has been given to the person in possession of such land to harvest the same.

Deposit of
rent

39. (1) A tenant may deposit with the prescribed authority any rent payable by him to the landlord, along with an application in such form as may be prescribed.

(2) On receipt of an application under sub-section (1), the prescribed authority shall cause notice of every deposit to be issued to the landlord and after making such inquiry as it may deem fit, determine whether the amount represents the correct amount of the rent due and if such authority finds that any further sum is due, it shall allow the tenant such time not exceeding three months as it may deem fit for depositing the balance together with such costs of the proceedings as such authority may order and if it finds that no further amount is due, or if the tenant deposits within the time allowed such further sum as is ordered by such authority, the tenant shall be deemed to have paid rent within the period specified in sub-clause (d) of clause (1) of section 38.

40. (1) Where a landlord has obtained from, or been granted by, the Government any relief by way of suspension or remission of the whole or part of the annual land revenue assessment payable in respect of his land, the landlord shall be bound to give and the tenant of the land shall be entitled to receive from the landlord corresponding or proportionate relief, by way of suspension or remission, as the case may be, of rent payable in respect of such land.

Remission
and sus-
pension of
rent.

(2) The nature and extent of the relief which a landlord is bound to give and which a tenant is entitled to receive under sub-section (1) shall be determined by the prescribed authority in such manner as may be prescribed.

(3) No suit shall lie and no decree of a civil court shall be executed for the recovery by the landlord of any rent the payment of which has been remitted or during the period for which the payment of such rent has been suspended under this section.

(4) The period during which the payment of rent is suspended under this section shall be excluded in computing the period of limitation for any suit or proceeding for the recovery of such rent.

(5) If any landlord recovers from a tenant rent without giving relief to the tenant as provided in sub-section (1), he shall be liable to refund to the tenant the amount so recovered by him and shall also be liable to the penalty as provided in this Regulation.

41. (1) Every person lawfully cultivating any land of another person shall be deemed to be the tenant of that land if such person is not—

Certain
persons to be
deemed to
be tenants

(a) a member of the family of such other person; or

(b) a hired labourer or a servant on wages (payable in cash or in kind but not as a share of the produce) who cultivates the land under the personal supervision of—

(i) such other person or of any member of such other person's family; or

(ii) where such other person is a person under disability, a paid employee of such other person.

(2) In the event of a dispute as to whether a person cultivating the land is a tenant within the meaning of sub-section (1), the same shall be decided by the prescribed authority on an application made to it by the tenant or the landlord or any other person interested in the land.

42. (1) Where any land has been leased out by any person in contravention of the provisions of this Chapter or where any land is not resumed by the landlord within a period of one year of the landlord ceasing to be a person under disability, then, the tenant in respect of that land shall be entitled to get occupancy rights over that land.

Tenants to
get occu-
pancy rights
in certain
cases.

(2) Any tenant entitled to get occupancy rights under sub-section (1) may make an application to the prescribed authority in such form and containing such particulars as may be prescribed.

(3) After the receipt of an application under sub-section (2), the prescribed authority may make such inquiry as it deems fit and after giving an opportunity to the landlord and the tenant to be heard in the matter, if the prescribed authority is satisfied that the tenant is entitled to

get occupancy rights over the land, it may pass an order accordingly and thereupon the tenant shall be deemed to be the occupant of that land.

(4) Every tenant who is deemed to be the occupant of any land under this section shall be liable to pay compensation to the landlord calculated at thirty-six times the annual land revenue assessment payable in respect of that land.

(5) The compensation payable under this section shall be paid in cash either in one lump or in annual instalments, not exceeding five, together with interest from the date on which he is deemed to be the occupant of the land on the unpaid balance at the rate of six per cent. per annum.

(6) The compensation payable under this section shall be a charge on the land.

CHAPTER VIII

MISCELLANEOUS

Restoration
of possession
of land
in certain
cases.

43. (1) Where a tenant of any land has on or after the appointed day, surrendered, or been evicted from, such land or any part thereof and such surrender or eviction could not have taken place if the provisions of Chapter VII of this Regulation were in force and were applicable to such tenant on the date of such surrender or eviction, the prescribed authority may *suo motu* or on an application made within the prescribed period by the person who was the tenant, restore him to possession of the land or part thereof which he surrendered or from which he was evicted unless some other tenant, not being a member of the family of the landlord who evicted him, had *bona fide* been admitted to possession of such land and continues to be in such possession:

Provided that a tenant who has been evicted in accordance with the provisions contained in the Free Dadra and Nagar Haveli Tenancy and Agricultural Lands Ordinance, 1961, shall not be entitled to restoration under this section.

(2) Any application made under section 7 of the Free Dadra and Nagar Haveli Tenancy and Agricultural Lands Ordinance, 1961, which is pending disposal at the commencement of this Regulation shall be deemed to be an application made under sub-section (1) and shall be disposed of accordingly.

(3) The prescribed authority shall, before making an order under sub-section (1) make such enquiry as it may deem fit and give an opportunity to the landlord to represent his case.

Appeal
against
orders of
prescribed
authority.

44. (1) An appeal shall lie to the Collector against every order of the prescribed authority made under any of the provisions of this Regulation.

(2) Every appeal under sub-section (1) shall be filed within such period as may be prescribed and shall be accompanied by a certified copy of the order appealed against.

(3) The Collector shall, after giving the appellant an opportunity to represent his case and after making such enquiry, as he may deem fit, confirm, vary or reverse the order.

45. (1) An appeal shall lie to the Administrator or to any person authorised by him in this behalf, against every order passed by the Collector other than an order passed by him in appeal under this Regulation.

Appeal to Administrator.

(2) Every appeal under sub-section (1) shall be filed within such period as may be prescribed and shall be accompanied by a certified copy of the order appealed against.

(3) The Administrator or the person so authorised, as the case may be, shall, after giving the appellant an opportunity to represent his case and after making such enquiry, as he may deem fit, confirm, vary or reverse the order.

46. The Administrator or any person authorised by him in this behalf may call for the records of any case, in which an order has been passed by the Collector and wherefrom no appeal has been filed under section 45, *suo motu* or on an application made within the prescribed period, and the Administrator or the person so authorised may pass such orders thereon as he may deem fit:

Revision.

Provided that no order shall be passed adversely affecting any person unless an opportunity to represent his case has been given to that person.

47. No suit or other proceeding shall lie or be instituted in any civil court with respect to any matter arising under or provided for by this Regulation:

Jurisdiction of civil courts excluded.

Provided that if in a dispute between the parties a question of title is involved, a civil suit may be brought for the adjudication of such question.

7 of 1908. 48. The prescribed authority shall have the powers of a civil court while trying a suit under the Code of Civil Procedure, 1908, in respect of the following matters, namely:—

Powers of prescribed authority.

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of any document;

(c) receiving evidence on affidavit;

(d) requisitioning any public record or copy thereof from any court or office;

(e) issuing commissions for the examination of witnesses or documents;

(f) any other matter which may be prescribed.

49. Any amount due to the Government under this Regulation, if not paid as provided therein, shall be recoverable as an arrear of land revenue.

Recovery of amounts due as an arrear of land revenue.

Assessment for the purpose of calculating compensation and occupancy price.

50. Any reference in this Regulation to the annual land revenue assessment payable in respect of any land shall, in relation to the determination of compensation or occupancy price in respect of that land, be construed as a reference to the land revenue assessed under the Land Revenue Regulation in respect of that land and in force on the vesting date or on the date of restoration referred to in clause (ii) of subsection (5) of section 4 or on the date on which the lands in excess of the ceiling area vest in the Government or the date on which the surplus lands are allotted under section 27 or on the date on which the tenant is deemed to be the occupant of the land under section 42, as the case may be.

Regulation to override other laws.

51. The provisions of this Regulation shall have effect notwithstanding anything to the contrary contained in any other law, custom, or usage or agreement or decree or order of Court.

Court fees.

52. Notwithstanding anything contained in the Court Fees Act, 1870, 7 of 1870, every application, appeal or other proceeding under this Regulation shall bear a court fee stamp of such value as may be prescribed.

General provision as to penalties.

53. Whoever contravenes any provision of this Regulation for which no penalty has been otherwise provided for therein shall be punishable with fine which may extend to five hundred rupees.

Protection of action taken in good faith.

54. No suit, prosecution or other legal proceeding shall lie—

(a) against any officer of the Government for anything in good faith done or intended to be done under this Regulation;

(b) against the Government for any damage caused or likely to be caused or any injury suffered or likely to be suffered by anything in good faith done or intended to be done under this Regulation.

Power to remove difficulties.

55. If any difficulty arises in giving effect to the provisions of this Regulation, the Administrator may, by order, do anything not inconsistent with such provisions which may appear to be necessary for the purpose of removing the difficulty:

Provided that no such power shall be exercised after the expiry of a period of two years from the date of publication of this Regulation.

Power to make rules.

56. (1) The Administrator may by notification in the Official Gazette, make rules for carrying out the purposes of this Regulation.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) regulating the transfer of any land in respect of which occupancy rights are deemed to have been granted under section 4;

(b) the terms and conditions on which lands may be held by a person as temporary lessee under section 5;

(c) the period within which any person interested may apply to the Collector for a declaration under the second proviso to subsection (1) of section 10;

(d) the manner of filing the statement under sub-section (2) of section 11;

(e) the period within which, the authority to which and the manner in which the particulars of the land held by a person may be intimated under section 12;

(f) the determination of the value of the building or structure under sub-section (5) of section 13;

(g) the conditions subject to which and the manner in which the occupancy price may be adjusted against the compensation under sub-section (3) of section 20;

(h) the manner in which a public notice may be published, the time within which the statement may be filed, the particulars to be given in the statement and the form in which the statement may be filed, under sub-section (1) of section 21;

(i) the manner of obtaining information under sub-section (5) of section 21;

(j) the manner in which the order of the prescribed authority may be communicated to the persons concerned under sub-section (2) of section 22;

(k) the form in which and the period within which a person entitled to claim any compensation or any part thereof under section 13 or section 14 or section 16, may apply under sub-section (1) of section 24;

(l) the form in which and the manner in which a notice may be issued under sub-section (1) of section 25;

(m) the allotment of surplus land under section 26;

(n) regulating the transfer of any land allotted under section 27;

(o) the management or disposal of unallotted surplus land under section 30;

(p) the manner in which land may be leased out by the prescribed authority under sub-section (2) of section 34;

(q) the form in which and the manner in which a receipt may be given under sub-section (1) of section 36;

(r) the period within which a tenant may make an application under section 37 for the refund of excess rent recovered by a landlord;

(s) the form of application under sub-section (1) of section 39;

(t) the manner in which the nature and extent of the relief referred to in section 40 may be determined under sub-section (2) of that section;

(u) the form in which and the manner in which a tenant may make an application for the grant of occupancy rights under section 42;

(v) the period within which and in the manner in which a tenant may make an application for restoration of any land under section 43;

(w) the period within which an appeal may be filed under sub-section (2) of section 44 and sub-section (2) of section 45;

(x) the period within which an application for revision may be made under section 46;

(y) the value of the court fee stamps under section 52;

(z) any other matter which has to be, or may be, prescribed.

Repeal and
savings.

57. (1) On and from the date on which any provision of this Regulation is brought into force, all laws and orders or any part thereof as are relatable to the matters covered by such provision shall stand repealed.

(2) The repeal of any law or order or part thereof by sub-section (1) shall not affect—

(a) the previous operation of such law or order or part thereof or anything duly done or suffered thereunder;

(b) any right, privilege or liability acquired, accrued or incurred under such law or order;

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against such law or order;

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted or enforced and any such penalty, forfeiture or punishment may be imposed as if such law or order or part thereof had not been repealed.

(3) Subject to the provisions of sub-section (2), anything done or any action taken under any of the laws or orders or part thereof as would stand repealed under sub-section (1) shall, in so far as it is not inconsistent with any such provision of this Regulation as is brought into force, be deemed to have been done or taken under such provision.

(4) Any custom or usage prevailing at the time of the commencement of any provision of this Regulation and having the force of law shall, if such custom or usage is repugnant to or inconsistent with such provision, cease to be operative to the extent of such repugnancy or inconsistency.

V. V. GIRI,
President.

N. D. P. NAMBOODIRIPAD,
Joint Secy. to the Government of India.